

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

IMPLICIT, LLC,

*Plaintiff,*

v.

NETSCOUT SYSTEMS, INC.,

*Defendant.*

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**CIVIL ACTION NO. 2:18-CV-00053-JRG**

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**MINUTES FOR JURY TRIAL DAY FOUR  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
December 12, 2019**

**OPEN: 8:31 a.m.**

**ADJOURN: 3:28 p.m.**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	Taylor Fitzner Christian Chessman
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart

<b><u>TIME</u></b>	<b><u>MINUTES</u></b>
8:31 a.m.	Court opened. Exhibits used prior day read into the record by Messrs. Wilson and Lang.
8:34 a.m.	Jury returned to the courtroom. Cross of Kevin Jeffay, Ph.D. by Mr. Hosie.
8:39 a.m.	<b>Courtroom sealed.</b> Cross of Kevin Jeffay, Ph.D. by Mr. Hosie.
8:45 a.m.	<b>Courtroom unsealed.</b> Cross of Kevin Jeffay, Ph.D. by Mr. Hosie.
8:57 a.m.	Redirect examination of Kevin Jeffay, Ph.D. by Mr. Buresh.
9:01 a.m.	Recross examination of Kevin Jeffay Ph.D. by Mr. Hosie.
	Parties passed the witness.
9:02 a.m.	Direct examination of Suzanne Stuckwisch by Mr. Kean.
9:48 a.m.	Recess.
10:05 a.m.	Court reconvened. Cross examination of Suzanne Stuckwisch by Mr. Davis.
10:33 a.m.	Redirect examination of Suzanne Stuckwisch by Mr. Kean.
10:36 a.m.	Defendant rests.

<b>TIME</b>	<b>MINUTES</b>
10:37 a.m.	Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
10:44 a.m.	Bench conference.
10:46 a.m.	Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
10:57 a.m.	Bench conference.
11:01 a.m.	<b>Courtroom sealed.</b> Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
11:02 a.m.	<b>Courtroom unsealed.</b> Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
11:11 a.m.	Mr. Hurt passed the witness. Bench conference.
11:13 a.m.	Cross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.
11:19 a.m.	Bench conference.
11:21 a.m.	Cross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.
11:41 a.m.	Bench conference.
11:43 a.m.	Parties passed the witness.
11:45 am	Recess
12:01 p.m.	Court reconvened
12:05 p.m.	Jury excused until 8:00 a.m.
12:07 p.m.	Court excused the attorneys until 2:00 p.m.
2:08 p.m.	Court opened. Hearing outside the presence of the Jury. The Court heard argument on Rule 50(a) motions. Messrs. Wilson and Lang argued. The Court DENIED the motions.
2:40 p.m.	The Court addressed the Court's charge.
2:43 p.m.	Recess.
3:18 p.m.	Court reconvened. Formal charge conference. Messrs. Martin and Lang spoke on behalf of the parties.
3:28 p.m.	Court adjourned.